

REMARKS

Claims 126-145 were pending in the present application. Applicants have amended claims 126-145. Support for these amendments can be found, *inter alia*, on page 2, lines 14-15 of the original specification. Applicants respectfully submit that the present Supplemental Amendment is fully supported by the original specification and does not raise any issue of new matter. Therefore, entry of the present Supplemental Amendment is respectfully requested. Upon entry of the present Supplemental Amendment, claims 126-145 will be under examination.

Applicants respectfully point out that the azithromycin in the claimed pharmaceutical composition is crystalline (emphasis added) azithromycin monohydrate hemi-ethanol solvate and such pharmaceutical composition can be characterized in substantially the same way as the crystalline azithromycin monohydrate hemi-ethanol solvate. Applicants respectfully contend that this type of claims are patentable based on the current patent statute and the USPTO practice. Applicants note that the USPTO routinely grant patents with claims on pharmaceutical compositions comprising various polymorphs. Therefore, all currently pending claims should be considered for allowance under the current patent law and the USPTO practice.

CONCLUSION

Applicants respectfully request entry of the present Supplemental Amendment and favorable consideration of all pending claims.

It is believed that no fee is deemed necessary in connection with the filing of the present Supplemental Amendment. However, if any fees are required, the Commissioner is hereby authorized to charge any such fees to our Deposit Account No. 16-1445.

Respectfully submitted,

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